

State of California  
Regional Water Quality Control Board  
San Diego Region

Executive Officer Summary Report  
November 12, 2003

ITEM: 13a

SUBJECT: Tentative Resolution No. R9-2003-0391 An Emergency Conditional Temporary Waiver of Statutory Requirements to File a Report of Waste Discharge and For Adoption of Waste Discharge Requirements for Management and Disposal of Solid Wastes from the 2003 Wildfire Destruction in the San Diego Region. (Laurie Walsh)

PURPOSE: Tentative Order No. R9-2003-0391 would, if adopted, waive the requirement to file a report of waste discharge and obtain waste discharge requirements for discharges of solid wastes derived from cleanup of burned areas in the San Diego Region at the Active Class III Municipal Solid Waste Management Units (Landfills) specifically identified in Tentative Resolution R9-2003-0391 (Attachment 1) and temporary waste staging areas. The waiver expires on June 30, 2004 unless the Regional Board decides to extend the expiration date (Attachment 2).

PUBLIC NOTICE: Due to timing of this disaster, this agenda item was added to the November agenda on November 4, 2003. A Public Notice of this agenda item was posted on the Regional Water Quality Control Board – San Diego Region web site on November 4, 2003. Tentative Resolution No. R9-2003-0391 was emailed to all interested parties and posted on the Regional Boards Wildfire web page on November 7, 2003.

DISCUSSION: Tentative Resolution No. R9-2003-0391 temporarily waives the requirements to file a report of waste discharge and obtain waste discharge requirements for discharges of waste derived from the cleanup of burned areas in the San Diego Region. The tentative Resolution places conditions upon the following categories of wildfire-related waste discharges in the San Diego Region: **1) Discharges of wildfire-related solid wastes into lined cells or staging areas at permitted municipal solid waste landfills** (e.g.,

Otay Landfill, Ramona Landfill, Sycamore Landfill, and West Miramar Landfill). These landfills may process/permanently dispose of large volumes of qualifying solid wastes, including: spoiled food wastes, animal carcasses, and “mixed wastes” – comprised of two or more categories of wastes (*e.g.*, nonhazardous wastes, house-hold hazardous wastes, universal wastes, inert wastes, *etc.*) that have been mixed and damaged such that the individual waste components are not practically separable for purposes of waste management. **2) Discharges of wildfire related solid wastes into temporary waste staging areas (unclassified waste management units).** If necessary, these facilities may process large volumes of qualified demolition debris including uncontaminated metal, wood, concrete and brick as these are removed from the disaster stricken properties around the San Diego Region. Operators of the temporary waste staging areas are required to submit a Notice of Intent to the Regional Board prior to initiating a waste staging operation and a Notice of Termination within 10 working days of completing removal of all wastes. The waiver would remain in effect until June 30, 2004 unless the Regional Board determines it necessary to extend the date.

Wildfires in the San Diego Region have burned 402,600 acres destroying 3,300 structures, 223 vehicles and damaging 92 buildings (Attachment 3). Governor Gray Davis declared San Diego County in a State of Emergency on October 26, 2003 (Attachment 4).

This waiver is necessary to facilitate transportation of waste into the landfills where it poses the least threat to human health and water quality. From data collected from the Oakland-Berkeley fires (1991), staff estimates that the impacts of the San Diego wildfires may result in at least 300,000 tons of solid wastes being generated from the cleanup effort. This waiver would allow the 7 active landfills in the San Diego Region to begin accepting waste, under specific conditions, immediately without having to wait for amended waste discharge requirements, therefore reducing the likelihood of illegal dumping and improper disposal. The waiver provides a streamlined approach to this daunting cleanup effort our region is about to undergo. Under the conditions of the waiver cleanup of the areas ravaged by the wildfires can

begin immediately, making rebuilding the fire-damaged areas of our region a more efficient process.

At least part of the waste from the burned areas of the region will be comprised of “inert” wastes that may be suitable for recycling or reuse (e.g. uncontaminated metal, wood, concrete, brick). Collecting and separating wastes that are suitable for recycling or diversion to other wastes handling facilities resulted in 11% of their total fire related solid waste stream not being discharged into municipal solid waste landfills after the Oakland-Berkeley fires. Achieving the same level of diversion/recycling would result in between 11,000 and 12,000 tons of solid wastes not being sent to landfills located in the San Diego Region. However, a large portion of the wastes (probably 85 to 90%) will likely be discharged into lined waste management units located at the municipal solid waste landfills in the San Diego Region. To date it appears that the landfills will be able to dispose of waste without significantly impacting their daily operations or adversely impacting water quality.

SIGNIFICANT CHANGES: None

LEGAL CONCERNS: None

COMPLIANCE HISTORY: None

SUPPORTING DOCUMENTS:

1. RWQCB Region 9 Land Discharge Unit Facility Map
2. Tentative Resolution No. R9-2003-0391
3. Wildfires Map
4. Governors Proclamation

RECOMMENDATIONS: Adoption of Tentative Resolution No. R9-2003-0391 is recommended.